

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Ann Arbor Acquisition Corporation v General Motors Corporation**
Docket No. **251154**
L.C. No. **02-214908 CK**

Donald S. Owens, Presiding Judge, acting under MCR 2.003(C)(3), orders:

The motion for immediate consideration is GRANTED.

Plaintiffs-appellants' motion for disqualification of Judge Donald S. Owens is DENIED for the following reasons.

MCR 2.003(C)(2) requires the alleged grounds for disqualification to be included in the motion. No grounds under MCR 2.003(B) were given. As the reason given for disqualification is the avoidance of any appearance of impropriety, I consider that to be a request for disqualification for the reason that I allegedly could not impartially hear this case because I may be personally biased or prejudiced for an attorney. I can impartially hear this case and I am not personally biased or prejudiced for any of the attorneys who may have assisted in my retention/re-election campaigns of 1974, 1978, 1984, 1990, 1996, 2000 or 2004.

The motion for disqualification failed to include an affidavit as required by MCR 2.003(C)(2).

The motion for disqualification cites informal judicial ethics opinion JI-79 in support of the motion. JI-79 holds that while recusal is not automatic, "... the better practice may be for the challenged judge to liberally consider requests for recusal in cases where a lawyer appears while a member of the judge's reelection campaign committee." No lawyer involved in this case is currently a member of my re-election campaign committee, including Eugene Driker, whose service as chair of my re-election committee ended in 2004 with the November general election.

In fact, since the "final campaign report for the candidacy has been filed," there was not even a duty to disclose in this matter, although Eugene Driker voluntarily did so.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 3 2005

Date

Sandra Schultz Mengel
Chief Clerk